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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 1541 OF 2018
IN
WRIT PETITION NO. 4354 OF 2014

Tukaram Anand Kshirsagar & Ors. ...Applicants/Petitioners

vs

The State of Maharashtra & Ors. ...Respondents

.....

Mr Sumit Kate I/b Uday Warunjikar for the Applicants/
Petitioners.

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**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JULY 23, 2018.**

P.C. :

Heard learned counsel for parties.

2 This application is for bringing the legal heirs of deceased Respondent No.4 – Sadhu Sadu Devgirikar on record, who died on 10th August, 2016.

3 Learned counsel for the applicant submits that when this matter was on board before this Court on 2nd May, 2017, at that time they learnt that notice issued to Respondent No.4 returned unserved with remark “expired” and thereafter they preferred present Civil Application. Learned counsel for applicants submits that in the interest of justice this Civil Application be allowed. He further submits that if the Civil Application is not allowed, irreparable loss would be caused to them.

4 Considering the submissions of learned counsel for

the applicants and the averments in the Civil Application, we are satisfied that the applicants have made out a case to allow the Civil Application. Hence, the following order.

- (a) Delay caused in filing the Civil Application is condoned;
- (b) The applicants are permitted to bring on record the legal heirs of Respondent No.4 - Sadhu Sadu Devgirikar in Writ Petition No. 4354 of 2014 within three weeks from today failing which the Civil Application shall stand dismissed without further reference to the Court;
- (c) If the amendment is carried out within the stipulated period as directed, the applicants to serve the amended copy of the Writ Petition on the legal heir of deceased Respondent No.6 as well as other Respondents;
- (d) The applicants to serve the newly added Respondent along with amended copy of the Writ Petition either by R.P.A.D. and/or hand delivery and file an affidavit of service to that effect within four weeks from the date of carrying out the amendment;
- (e) The Civil Application is disposed of accordingly;
- (f) No order as to costs.

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(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)